

PATENTAttorney Docket No. IBM/167
Confirmation No. 8940**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Timothy Roy Block et al. Art Unit: 2155
 Serial No.: 09/694,586 Examiner: Benjamin R. Bruckart
 Filed: October 23, 2000 Atty. Docket No.: IBM/167
 For: DYNAMIC MODIFICATION OF CLUSTER COMMUNICATION PARAMETERS IN
 CLUSTERED COMPUTER SYSTEM

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM
 THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed June 7, 2004 finally rejecting claims 1-31.

The item(s) checked below are appropriate:

1. Applicants hereby petition for a _____ month extension of time to reply to the final rejection.
 A check in the amount of \$_____ is attached.

2. Appeal Fee: XXX Other than a small entity Fee: \$330.00
 Small Entity Status previously Fee: \$_____
 Requested and is still proper Fee: \$_____
 Small Entity Status Requested Fee: \$_____

3. Payment

XXX Check attached for the sum of \$_____
 Please charge the sum of \$330.00 and any deficiency or credit
 any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

By:


 Scott A. Stinebruner
 Reg. No. 38,323

Date:

7 SEP 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION
 I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Benjamin R. Bruckart, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-372-9306 on September 7, 2004.

Judith L. Volk September 7, 2004
 Judith L. Volk Date

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